

STATE OF WISCONSIN
Department of Health and Family Services
Division of Disability and Elder Services

DDES Info Memo Series 2006-15

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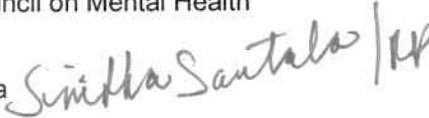
**Subject: Statutory Changes Affecting Counties and
DHFS Licensed or Certified Providers**

To: Listserv

For:

- Area Administrators / Human Services Area Coordinators
- Bureau Directors/ Licensing Chiefs / Section Chiefs
- County Departments of Community Programs Directors
- County Departments of Developmental Disabilities Services Directors
- County Departments of Human Services Directors
- County Departments of Social Services Directors
- Tribal Chairpersons / Human Services Facilitators
- Adult Day Care/Adult Family Homes
- Alcohol and Drug Abuse Coordinators
- Ambulatory Surgery Centers
- Area Agencies on Aging Executive Directors
- Board on Aging and Long Term Care
- Bureau of Quality Assurance Regional Field Operation Directors
- Certified Mental Health and AODA
- Community-Based Residential Facilities
- County COP Coordinators/County Waiver Coordinators
- County/Tribal Aging Unit Directors
- Developmental Disabilities Coordinators
- End Stage Renal Disease Centers
- Facilities for the Developmentally Disabled
- Home Health Agencies/Hospice Agencies
- Hospitals
- Long Term Support Coordinators
- Lead Elder Abuse Agency Contacts
- Mental Health and Alcohol or Other Drug Abuse (AODA) Treatment Programs
- Mental Health Coordinators
- Nurse Aide Training Programs/Nursing Homes
- Outpatient Physical Therapy/Speech Pathology Services/Outpatient Rehabilitation
- Portable X-ray Services
- Residential Care Apartment Complexes (RCACs)
- Rural Health Clinics/Swing-bed Hospitals
- Tribal Chairperson/Human Services Facilitators
- Coalition of Wisconsin Aging Groups – Elder Law Center
- Disability Rights Wisconsin
- Wisconsin Coalition Against Domestic Violence
- Wisconsin Coalition Against Sexual Assault
- Wisconsin Council on Developmental Disabilities
- Wisconsin Council on Mental Health

From: Sinikka Santala
Administrator



Subject: Statutory Changes Affecting Counties and DHFS Licensed or Certified Providers

From March through June 2006, many changes to state statutes that directly impact the populations we serve were enacted. The Department intends to issue additional information and guidance regarding these

statutory changes at a later date. In the interim, counties and entities that are licensed or certified by the Department should be aware of the new laws. The Acts containing the statutory changes may be accessed through the following links:

WisAct 138	Notice regarding unauthorized acquisition of personal information. Effective date: 3/31/2006. http://www.legis.state.wi.us/2005/data/acts/05Act138.pdf
WisAct 264	Primarily affects Chapter 55 – codifies court cases and current practices, addresses areas of the law related to voluntary and court-ordered protective services, including psychotropic medications and psychiatric admissions, and court-ordered protective placements. Effective date: 11/1/2006. http://www.legis.state.wi.us/2005/data/acts/05Act264.pdf
WisAct 351	Applies to caregiver background information and providing a penalty. Effective date: 5/3/2006. http://www.legis.state.wi.us/2005/data/acts/05Act351.pdf
WisAct 387	Applies to reorganization and modernization of Wisconsin's definitions and procedures including those related to court-ordered guardianships, involuntary administration of psychotropic medication, protective placements and protective services, powers of attorney for health care and receipt and acceptance of foreign guardianships. Effective date: 12/1/2006. http://www.legis.state.wi.us/2005/data/acts/05Act387.pdf
WisAct 388	Revises the reporting of and responses to abuse, neglect and exploitation of elders (age 60 and older) and vulnerable adults ages 18 to 59. Effective date: 12/1/2006. http://www.legis.state.wi.us/2005/data/acts/05Act388.pdf
WisAct 406	Applies to confidentiality of information entered into the statewide automated child welfare information system. Effective date: 5/25/2006. http://www.legis.state.wi.us/2005/data/acts/05Act406.pdf
WisAct 444	Applies to informed consent for minors for inpatient and outpatient treatment for mental illness and developmental disability. Effective date: 8/1/2006. http://www.legis.state.wi.us/2005/data/acts/05Act444.pdf
WisAct 449	Applies to registration and treatment records for services for mental illness, developmental disability, alcoholism, or drug dependence, exceptions to confidentiality for treatment records, and a good faith exception to liability for release of records by a record custodian. Effective date: 6/6/2006 http://www.legis.state.wi.us/2005/data/acts/05Act449.pdf
WisAct 485	Provides an exception to confidentiality requirements for treatment records. Effective date: 6/14/2006. http://www.legis.state.wi.us/2005/data/acts/05Act485.pdf

Many of the new laws may have considerable impact on how you provide services and operate programs. To illustrate, changes to the guardianship law are so significant that it eliminates Chapter 880 and instead moves most provisions to a newly created "Chapter 54." The Acts listed above may also affect other chapters of the statutes. Examples would include a change in cross-references and expansion of definitions (e.g., adding a definition of serious and persistent mental illness to Chapter 51). All readers of this memo should periodically check for the latest revision to the Chapters, because many readers will find these easier to read and understand. Readers can find the latest revision to the Chapters by going to the following link, <http://www.legis.state.wi.us/rsb/Statutes.html>, and selecting the desired Chapter. Please note that some revisions to the statutes, such as deletions (e.g., the definition of "infirmities of aging" no longer will exist after 11/1/2006) will not be evident in these Chapters until the effective date of the changes. Also, Acts 264, 387 and 388 address some overlapping issues and contain some conflicting language; a reconciliation bill will need to be pursued during the 2007-2008 legislative session.

As stated above, the Department intends to issue additional information and guidance regarding these statutory changes at a later date. Appropriate Department contacts for questions regarding the content of the statutory changes will be identified at that time. In the meantime, should you have any program content or policy questions due to the statutory changes, please send the query to the following email address:

StopAbuse@dhfs.state.wi.us. Once received, the email will be routed to the Department staff person most capable of responding to the question at this point in time. In addition, the topics raised by email will be compiled and guide the Department in development of technical assistance documents to be released at a later date.

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